

**DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled in:

**SYSTEM AND METHOD FOR DISPENSING A LIQUID BEVERAGE CONCENTRATE**

and for which a patent application was filed in the United States as Application No. 10/626,369 on July 23, 2003.

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

| EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION |         |                                      |   |
|--|---------|--------------------------------------|---|
| APPLICATION NUMBER   | COUNTRY | DATE OF FILING<br>(day, month, year) | PRIORITY CLAIMED  |
|  |         |                                      | <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
|  |         |                                      | <input type="checkbox"/> YES <input type="checkbox"/> NO            |

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

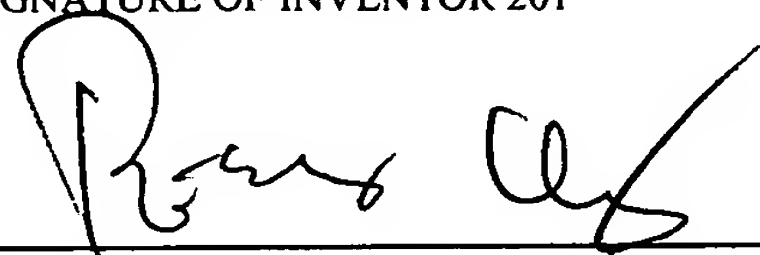

| PROVISIONAL APPLICATION NUMBER | FILING DATE |
|--------------------------------|-------------|
|                                |             |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

| NON-PROVISIONAL<br>APPLICATION NO. | FILING DATE             | STATUS   |          |           |
|------------------------------------|-------------------------|----------|----------|-----------|
|                                    |                         | PATENTED | PENDING  | ABANDONED |
| <b>PCT/EP02/00770</b>              | <b>January 22, 2002</b> |          | <b>X</b> |           |
| <b>09/768,784</b>                  | <b>January 25, 2001</b> |          | <b>X</b> |           |

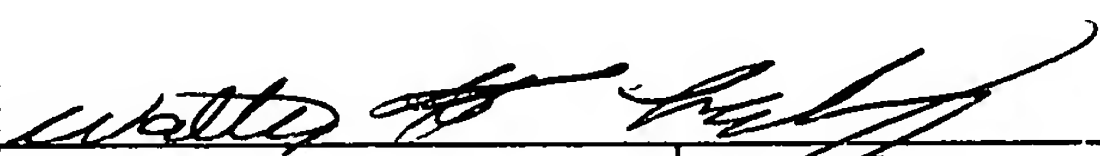
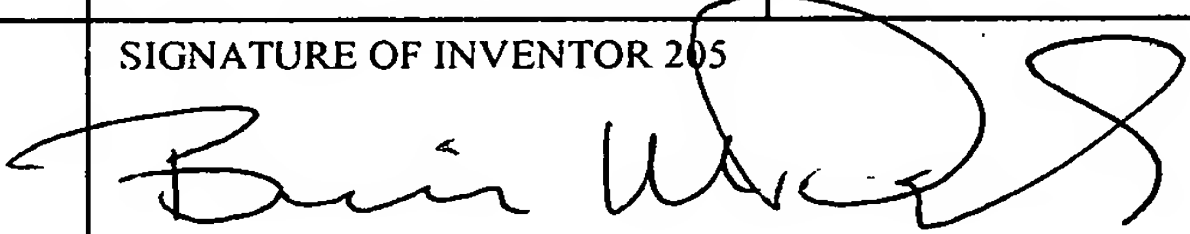
\* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

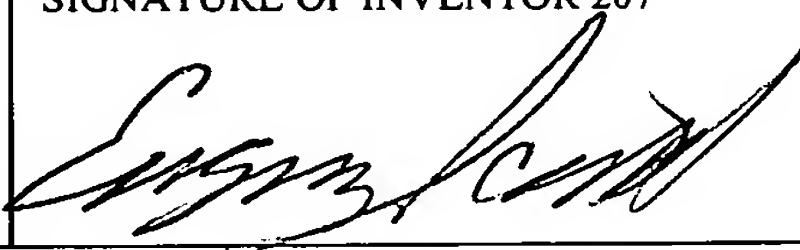
|     |   |                                     |  |  |                          |
|-----|---|-------------------------------------|--|--|--------------------------|
| 201 | FULL NAME OF INVENTOR   | LAST NAME<br><b>CHENG</b>           | FIRST NAME<br><b>Pu-Sheng</b>                  | MIDDLE NAME                                    |                          |
|     | RESIDENCE & CITIZENSHIP   | CITY<br><b>Dublin</b>               | STATE OR FOREIGN COUNTRY<br><b>Ohio</b>        | COUNTRY OF CITIZENSHIP<br><b>Taiwan</b>        |                          |
|     | POST OFFICE ADDRESS   | STREET<br><b>6952 Literary Lane</b> | CITY<br><b>Dublin</b>                          | STATE OR COUNTRY<br><b>Ohio</b>                | ZIP CODE<br><b>43017</b> |
|     | SIGNATURE OF INVENTOR 201<br>   |                                     |  | DATE<br><b>Aug 6, 2003</b>                     |                          |
| 202 | FULL NAME OF INVENTOR   | LAST NAME<br><b>CHRISMAN</b>        | FIRST NAME<br><b>Randall</b>                   | MIDDLE NAME<br><b>C.</b>                       |                          |
|     | RESIDENCE & CITIZENSHIP   | CITY<br><b>Southbury</b>            | STATE OR FOREIGN COUNTRY<br><b>Connecticut</b> | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS   | STREET<br><b>325 Sanford Road</b>   | CITY<br><b>Southbury</b>                       | STATE OR COUNTRY<br><b>Connecticut</b>         | ZIP CODE<br><b>06488</b> |
|     | SIGNATURE OF INVENTOR 202<br> |                                     |  | DATE<br><b>7-30-03</b>                         |                          |
| 203 | FULL NAME OF INVENTOR   | LAST NAME<br><b>GAVIE</b>           | FIRST NAME<br><b>Shannon</b>                   | MIDDLE NAME                                    |                          |
|     | RESIDENCE & CITIZENSHIP   | CITY<br><b>Altadena</b>             | STATE OR FOREIGN COUNTRY<br><b>California</b>  | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS   | STREET<br><b>630 W. Brown Court</b> | CITY<br><b>Altadena</b>                        | STATE OR COUNTRY<br><b>California</b>          | ZIP CODE<br><b>91001</b> |
|     | SIGNATURE OF INVENTOR 203   |                                     |  | DATE   |                          |

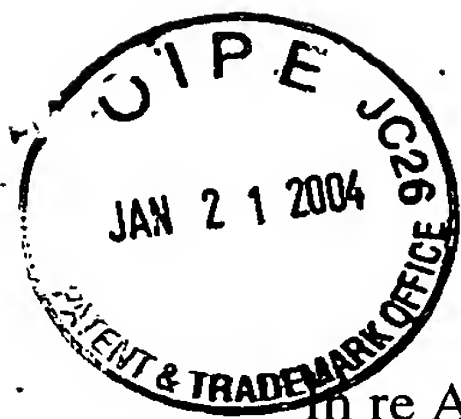
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

|     |   |                                     |  |  |                          |
|-----|---|-------------------------------------|--|--|--------------------------|
| 201 | FULL NAME OF INVENTOR                             | LAST NAME<br><b>CHENG</b>           | FIRST NAME<br><b>Pu-Sheng</b>                  | MIDDLE NAME                                    |                          |
|     | RESIDENCE & CITIZENSHIP                           | CITY<br><b>Dublin</b>               | STATE OR FOREIGN COUNTRY<br><b>Ohio</b>        | COUNTRY OF CITIZENSHIP<br><b>Taiwan</b>        |                          |
|     | POST OFFICE ADDRESS                               | STREET<br><b>6952 Literary Lane</b> | CITY<br><b>Dublin</b>                          | STATE OR COUNTRY<br><b>Ohio</b>                | ZIP CODE<br><b>43017</b> |
|     | SIGNATURE OF INVENTOR 201                         |                                     |  | DATE   |                          |
| 202 | FULL NAME OF INVENTOR                             | LAST NAME<br><b>CHRISMAN</b>        | FIRST NAME<br><b>Randall</b>                   | MIDDLE NAME<br><b>C.</b>                       |                          |
|     | RESIDENCE & CITIZENSHIP                           | CITY<br><b>Southbury</b>            | STATE OR FOREIGN COUNTRY<br><b>Connecticut</b> | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS                               | STREET<br><b>325 Sanford Road</b>   | CITY<br><b>Southbury</b>                       | STATE OR COUNTRY<br><b>Connecticut</b>         | ZIP CODE<br><b>06488</b> |
|     | SIGNATURE OF INVENTOR 202                         |                                     |  | DATE   |                          |
| 203 | FULL NAME OF INVENTOR                             | LAST NAME<br><b>GAVIE</b>           | FIRST NAME<br><b>Shannon</b>                   | MIDDLE NAME                                    |                          |
|     | RESIDENCE & CITIZENSHIP                           | CITY<br><b>Altadena</b>             | STATE OR FOREIGN COUNTRY<br><b>California</b>  | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS                               | STREET<br><b>630 W. Brown Court</b> | CITY<br><b>Altadena</b>                        | STATE OR COUNTRY<br><b>California</b>          | ZIP CODE<br><b>91001</b> |
|     | SIGNATURE OF INVENTOR 203<br><i>Shannon Gavie</i> |                                     |  | DATE<br><i>9/22/03</i>                         |                          |

|     |                         |   |  |  |                          |
|-----|-------------------------|---|--|--|--------------------------|
| 204 | FULL NAME OF INVENTOR   | LAST NAME<br><b>LANDRY</b>  | FIRST NAME<br><b>Walter</b>                    | MIDDLE NAME<br><b>F.</b>                       |                          |
|     | RESIDENCE & CITIZENSHIP | CITY<br><b>Morris</b>   | STATE OR FOREIGN COUNTRY<br><b>Connecticut</b> | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS     | STREET<br><b>134 South Street</b>   | CITY<br><b>Morris</b>                          | STATE OR COUNTRY<br><b>Connecticut</b>         | ZIP CODE<br><b>06763</b> |
|     |                         | SIGNATURE OF INVENTOR 204<br>   |  | DATE<br><b>8/20/03</b>                         |                          |
| 205 | FULL NAME OF INVENTOR   | LAST NAME<br><b>MCDONOUGH</b>   | FIRST NAME<br><b>Brian</b>                     | MIDDLE NAME<br><b>J.</b>                       |                          |
|     | RESIDENCE & CITIZENSHIP | CITY<br><b>Escondido</b>  | STATE OR FOREIGN COUNTRY<br><b>California</b>  | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS     | STREET<br><b>2305 Royal Oak Drive</b>   | CITY<br><b>Escondido</b>                       | STATE OR COUNTRY<br><b>California</b>          | ZIP CODE<br><b>92027</b> |
|     |                         | SIGNATURE OF INVENTOR 205<br> |  | DATE<br><b>8/11/03</b>                         |                          |
| 206 | FULL NAME OF INVENTOR   | LAST NAME<br><b>MORRISON</b>  | FIRST NAME<br><b>Randall</b>                   | MIDDLE NAME<br><b>L.</b>                       |                          |
|     | RESIDENCE & CITIZENSHIP | CITY<br><b>Sylmar</b>   | STATE OR FOREIGN COUNTRY<br><b>California</b>  | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS     | STREET<br><b>13550 Via Santa Clara</b>  | CITY<br><b>Sylmar</b>                          | STATE OR COUNTRY<br><b>California</b>          | ZIP CODE<br><b>91342</b> |
|     |                         | SIGNATURE OF INVENTOR 206   |  | DATE   |                          |

|     |   |  |  |  |                          |
|-----|---|--|--|--|--------------------------|
| 204 | FULL NAME OF INVENTOR                                   | LAST NAME<br><b>LANDRY</b>             | FIRST NAME<br><b>Walter</b>                    | MIDDLE NAME<br><b>F.</b>                       |                          |
|     | RESIDENCE & CITIZENSHIP                                 | CITY<br><b>Morris</b>                  | STATE OR FOREIGN COUNTRY<br><b>Connecticut</b> | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS                                     | STREET<br><b>134 South Street</b>      | CITY<br><b>Morris</b>                          | STATE OR COUNTRY<br><b>Connecticut</b>         | ZIP CODE<br><b>06763</b> |
|     | SIGNATURE OF INVENTOR 204                               |  |  | DATE   |                          |
| 205 | FULL NAME OF INVENTOR                                   | LAST NAME<br><b>MCDONOUGH</b>          | FIRST NAME<br><b>Brian</b>                     | MIDDLE NAME<br><b>J.</b>                       |                          |
|     | RESIDENCE & CITIZENSHIP                                 | CITY<br><b>Escondido</b>               | STATE OR FOREIGN COUNTRY<br><b>California</b>  | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS                                     | STREET<br><b>2305 Royal Oak Drive</b>  | CITY<br><b>Escondido</b>                       | STATE OR COUNTRY<br><b>California</b>          | ZIP CODE<br><b>92027</b> |
|     | SIGNATURE OF INVENTOR 205                               |  |  | DATE   |                          |
| 206 | FULL NAME OF INVENTOR                                   | LAST NAME<br><b>MORRISON</b>           | FIRST NAME<br><b>Randall</b>                   | MIDDLE NAME<br><b>L.</b>                       |                          |
|     | RESIDENCE & CITIZENSHIP                                 | CITY<br><b>Sylmar</b>                  | STATE OR FOREIGN COUNTRY<br><b>California</b>  | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|     | POST OFFICE ADDRESS                                     | STREET<br><b>13550 Via Santa Clara</b> | CITY<br><b>Sylmar</b>                          | STATE OR COUNTRY<br><b>California</b>          | ZIP CODE<br><b>91342</b> |
|     | SIGNATURE OF INVENTOR 206<br><i>Randall L. Morrison</i> |  |  | DATE<br><i>8/12/03</i>                         |                          |

|                     |   |                                    |  |  |                          |
|---------------------|---|------------------------------------|--|--|--------------------------|
| 2<br><br>0<br><br>7 | FULL NAME OF INVENTOR   | LAST NAME<br><b>SCOVILLE</b>       | FIRST NAME<br><b>Eugene</b>                    | MIDDLE NAME                                    |                          |
|                     | RESIDENCE & CITIZENSHIP   | CITY<br><b>New Milford</b>         | STATE OR FOREIGN COUNTRY<br><b>Connecticut</b> | COUNTRY OF CITIZENSHIP<br><b>United States</b> |                          |
|                     | POST OFFICE ADDRESS   | STREET<br><b>29 Cornwall Drive</b> | CITY<br><b>New Milford</b>                     | STATE OR COUNTRY<br><b>Connecticut</b>         | ZIP CODE<br><b>06776</b> |
|                     | SIGNATURE OF INVENTOR 207<br> |                                    |  | DATE<br><b>09/30/03</b>                        |                          |



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pu-Sheng CHENG et al.

Application No.: 10/626,369

Group Art Unit:

Filing Date: July 23, 2003

Examiner:

For: SYSTEM AND METHOD FOR  
DISPENSING A LIQUID BEVERAGE  
CONCENTRATE

Attorney Docket No.: 88265-10365

**POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) and Daniel J. Hulseberg (Reg. No. 36,554) of WINSTON & STRAWN (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording and a copy is attached. The undersigned has reviewed this assignment and, to the best of his knowledge, title is in the assignee seeking to take action in this application and that he is empowered to act on its behalf.

ASSIGNEE:

NESTEC S.A.  
25 JUL. 2003

Signature:

Date of Signature:

Typed Name:

Cécile Chautard

Position/Title:

Authorised Signatory

Address:

Avenue Nestlé 55

1800 Vevey

Switzerland

## ASSIGNMENT

WHEREAS, each of

**Pu-Sheng CHENG**, a citizen of Taiwan, residing at  
6952 Literary Lane, Dublin, Ohio 43017;

**Randall C. CHRISMAN**, a citizen of the United States, residing at  
325 Sanford Road, Southbury, Connecticut 06488;

**Shannon GAVIE**, a citizen of the United States, residing at  
630 W. Brown Court, Altadena, California 91001;

**Walter F. LANDRY**, a citizen of the United States, residing at  
134 South Street, Morris, Connecticut 06757;

**Brian J. MCDONOUGH**, a citizen of the United States, residing at  
2305 Royal Oak Drive, Escondido, California 92027;

**Randall L. MORRISON**, a citizen of the United States, residing at  
13550 Via Santa Clara, Sylmar, California 91342; and

**Eugene SCOVILLE**, a citizen of the United States, residing at  
29 Cornwall Drive, New Milford, Connecticut 06776.

ASSIGNOR, is an inventor of the invention in **SYSTEM AND METHOD FOR DISPENSING A LIQUID BEVERAGE CONCENTRATE**, for which an application for a Patent of the United States, identified by Winston & Strawn Docket No. **88265-10365**

- ☐ is executed on even date herewith  
☒ was filed on July 23, 2003 as Application No 10/626,369.

WHEREAS, **NESTEC S.A.**, a Swiss corporate body having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining each inventor's entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, his or her entire right, title and interest in, to and



under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

And each ASSIGNOR hereby covenants and agrees that he or she has the full right to convey the entire interest herein assigned, and that he or she has not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR hereby further covenants and agrees that he or she will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to him or her respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed his or her signature.

Aug 6, 2003  
Date

Pu-Sheng CHENG  
Pu-Sheng CHENG

STATE OF OHIO )  
COUNTY OF Union )

On this 6<sup>th</sup> day of August, 2003, before me, a Notary Public, personally appeared **Pu-Sheng CHENG**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Joseph V. Jimenez  
Notary Public

no expiration  
My Commission Expires



JOSEPH VICTOR JIMENEZ  
Attorney at Law  
Notary Public, State of Ohio  
My Commission Has No Expiration  
Section 147.03 R.C.

7-30-03  
Date

Randall C. Chrisman  
Randall C. CHRISMAN

STATE OF Connecticut )  
COUNTY OF Litchfield ) ss. New Milford

On this 30 day of July, 2003, before me, a Notary Public, personally appeared **Randall C. CHRISMAN**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

**MARGARET N. KASWER**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES DEC. 31, 2004

Margaret N. Kaswer  
Notary Public

My Commission Expires

Sept 22, 03  
Date

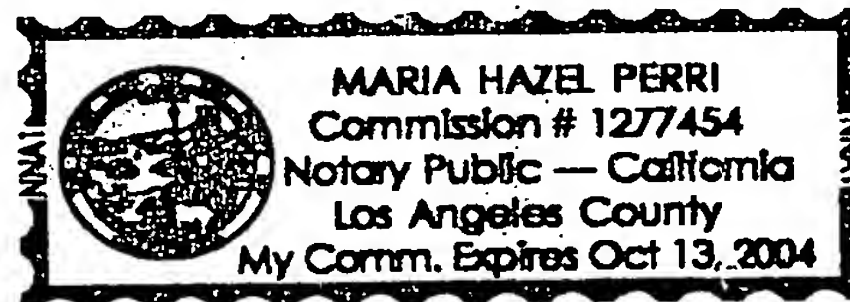
Shannon GAVIE  
Shannon GAVIE

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )

On this 22nd day of SEPTEMBER, 2003, before me, a Notary Public, personally appeared **Shannon GAVIE**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Maria Hazel Perri  
Notary Public

OCTOBER 13, 2004  
My Commission Expires



8/20/03  
Date

Walter F. Landry  
Walter F. LANDRY

STATE OF Connecticut )  
COUNTY OF Litchfield ) ss New Milford

On this 20<sup>th</sup> day of August, 2003, before me, a Notary Public, personally appeared **Walter F. LANDRY**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Margaret N. Kaswer  
Notary Public

**MARGARET N. KASWER**  
**NOTARY PUBLIC**  
MY COMMISSION EXPIRES DEC. 31, 2004  
My Commission Expires

8/11/03  
Date

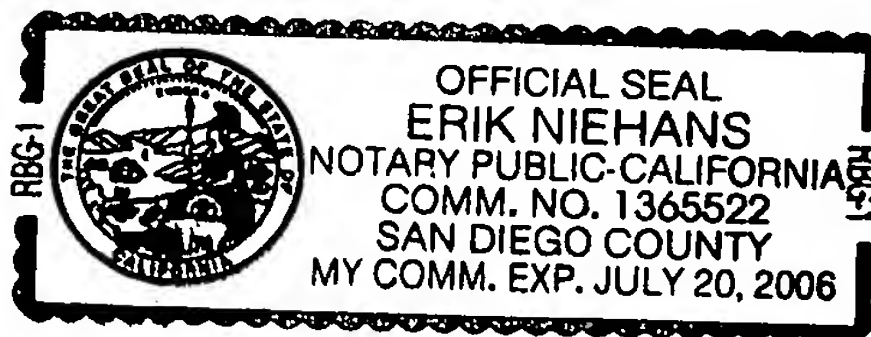
Brian J. McDonough  
Brian J. MCDONOUGH

STATE OF CALIFORNIA )  
COUNTY OF San Diego )

On this 11 day of August, 2003, before me, a Notary Public, personally appeared **Brian J. MCDONOUGH**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Erik Niehans  
Notary Public

7/20/06  
My Commission Expires



8/12/03  
Date

Randall L. Morrison  
Randall L. MORRISON

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES )



On this 12<sup>th</sup> day of AUGUST, 2003, before me, a Notary Public, personally appeared **Randall L. MORRISON**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Katherine S. Nuetzel  
Notary Public

11 August, 2006  
My Commission Expires

07/30/03  
Date

Eugene Scoville  
Eugene SCOVILLE

STATE OF Connecticut )  
COUNTY OF Litchfield ) ss New Milford

On this 30<sup>th</sup> day of July, 2003, before me, a Notary Public, personally appeared **Eugene SCOVILLE**, to me known and known to me to be the person of that name, who signed the foregoing instrument and acknowledged the same to be his/her free act and deed.

Margaret N. Kaswer  
Notary Public

**MARGARET N. KASWER**  
**NOTARY PUBLIC**  
My Commission Expires Dec 31, 2004